

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 13-196—sHB 6403**  
*General Law Committee*

**AN ACT MAKING MINOR AND TECHNICAL CHANGES TO  
DEPARTMENT OF CONSUMER PROTECTION STATUTES**

**SUMMARY:** This act makes various unrelated changes in the Department of Consumer Protection (DCP) statutes.

These changes, among other things:

1. allow posting regulations and rosters online to fulfill certain publishing and distribution requirements;
2. allow permit and license applicants with lapsed licenses to apply for reinstatement to the appropriate DCP board;
3. extend certain consumer protections to more types of buying clubs, including those that offer services;
4. impose home improvement contractor penalties on people who propose or offer to do work without a certificate;
5. make condominium associations eligible for Home Improvement Guaranty Fund payouts;
6. extend, and require printed notice of, the cancellation period for social referral service contracts; and
7. require drug wholesalers to obtain a separate certificate of registration or license for each location.

The act also makes minor and technical changes.

**EFFECTIVE DATE:** Upon passage

**§§ 1-5 — DCP ELECTRONIC POSTING**

The act allows DCP to post certain regulations and rosters on its website to comply with its publishing and distribution requirements. This applies to DCP's obligation to:

1. biennially publish a pamphlet with the current liquor regulations and provide it to anyone who requests it;
2. at least annually, publish a pamphlet with the current gaming regulations and provide it to anyone who requests it;
3. annually place a roster with the names and addresses of all registered interior designers and licensed architects with the secretary of the state and with each town's building department and library; and
4. annually prepare a roster of all registered well drillers and distribute it to each local health director and building inspector.

The act also gives certain DCP boards the option of fulfilling their publishing and distribution requirements by posting rosters and deletions on DCP's website. This applies to the boards for Electrical Work; Heating, -Piping, Cooling, and

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Sheet Metal Work; Plumbing and -Piping Work; Elevator Installation, Repair, and Maintenance; Fire Protection Sprinkler Systems; and Automotive Glass and Flat Glass Work, which must (1) biennially furnish a copy of a roster with everyone licensed or registered by them to each town clerk and (2) notify the clerk of any deletion from the roster within five days of the deletion.

### § 6 — WEIGHTS AND MEASURES ELECTRONIC RECORDING

The act requires the DCP commissioner to maintain a record, rather than a written report, of the annual test of all scales, weights, and measures used to check supply receipt or disbursement in each institution that receives state appropriations. It requires the commissioner to make the record available, rather than provide it, to the supervisory board and executive officer of the institution involved.

The act allows DCP to charge a fee for calibrating testing equipment to registered dealers and repairers of weighing and measuring devices who do not reside and have a business place in Connecticut. DCP may set the fee by regulation. Prior law prohibited DCP from charging any registrant a fee for calibrating testing equipment.

### § 7 — GAMING RECEIPTS

The act eliminates the requirement that DCP submit to the state treasurer before the tenth day of each month (1) all gaming money in its possession and (2) a monthly statement on all gaming receipts. In practice, DCP will continue to transfer such gaming money to the treasurer, and such gaming information is available electronically through CORE-CT.

### § 8 — BAZAAR OR RAFFLE PERMITS

The act allows any three state residents to apply for a bazaar or raffle permit in a municipality. Prior law required three voters in the municipality where the permit was sought to apply for the permit.

### § 9 — PUBLIC CHARITIES REGISTERED TO SOLICIT FUNDS

The act eliminates the DCP commissioner's authority to grant, for good cause, a six-month extension for charities to file their annual reports in order to renew their registration. It instead extends the renewal registration deadline to file their annual reports by six months, from five to 11 months after the end of the fiscal year, thereby giving each charity the same amount of time to renew.

### § 10 — REAL ESTATE LICENSES

The act changes the reinstated license expiration date from the next succeeding April 30 to the next succeeding (1) March 31 for real estate brokers and (2) May 31 for real estate salespersons.

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### § 11 — NEW HOME CONSTRUCTION CONTRACTOR

The act (1) allows a new home construction certificate to be renewed after its one year expiration and (2) clarifies that the renewal is valid for two years and costs the same \$240 as the original application. Under prior law, a certificate could not be restored unless it was renewed within a year of its expiration.

### §§ 12 & 25 — HOME IMPROVEMENT GUARANTY FUND

The act requires the DCP commissioner to notify a contractor, before issuing a payment out of the Home Improvement Guaranty Fund, that he or she can contest the payment if he or she is complying with a payment schedule in accordance with a court judgment. By law, DCP already provides this notification regarding contractors who have already paid the owner.

The law requires an applicant for payment from the guaranty fund to first attempt to collect on a court judgment against the contractor. The act requires the owner to attempt to collect on the contractor's personal, rather than real, property. This conforms to DCP practice. By law, the applicant must also attempt to collect from a contractor's bank account.

### § 13 — BUYING CLUBS

The act requires buying clubs that sell or lease (1) goods for leisure and entertainment or (2) services for personal, family, or household use, to provide the same statutory consumer protections as buying clubs that sell or lease goods for personal, family, or household use. These protections include the right to cancel a contract within three days after signing and related contractual agreements. A "buying club" is a business that offers memberships to consumers for a fee of more than \$200 that allows them to exclusively purchase consumer goods.

### §§ 14 & 26 — HOME IMPROVEMENT CONTRACTOR

The act imposes existing home improvement contractor penalties on people who offer or propose to do work without the proper certificate. Violators may be guilty of a class A or B misdemeanor (see Table on Penalties) depending on the price of the project and a civil penalty of up to \$500 for the first violation, up to \$750 for a second violation within three years of the prior violation, and up to \$1,500 for a third or subsequent violation within three years of the prior violation (CGS § 20-427).

The act specifies that a condominium association working as an agent for condominium owners has the same rights as a private owner under the Home Improvement Act, including access to the Home Improvement Guaranty Fund. It also limits an association to one claim for each contract from the guaranty fund, regardless of the number of units for which it acts as an agent.

### § 15 — REAL ESTATE APPRAISAL

Prior law allowed the DCP commissioner to adopt regulations relating to real

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estate appraisal schools, but prohibited him from adopting regulations requiring DCP to approve instructors. The act allows the regulations to require instructor approval.

### § 16 — ELEVATOR LICENSES

The act eliminates the elevator craftsman license and elevator helper's license. There are currently no elevator craftsman or helper licensees.

### §§ 17-20 — LICENSE REINSTATEMENTS AFTER EXPIRATION

The act allows an applicant whose license has lapsed beyond the time allowed for automatic reinstatement to apply for reinstatement to the appropriate DCP board. The application must include the proper fee, along with a notarized letter stating the applicant's related work experience in his or her occupation or profession in the lapsed time. The applicant must, upon board approval, pay all back license and late fees.

The act extends, from one to two years, the time certain licensees have to reinstate their licenses without retaking a licensing examination.

The affected licensees are electricians; plumbers; solar, heating, piping and cooling contractors and journeymen; elevator and fire protection sprinkler craftsmen; irrigation contractors and journeymen; gas hearth installer contractors and journeymen; automotive glass or flat glass work contractors and journeymen; limited sheet metal power industry contractors and journeymen; television and radio service dealers; and electronic technicians.

Under the act, a shorthand reporter who fails to renew his or her license for more than two years after its expiration date may have the license reinstated only by complying with the examination requirements. The act allows the shorthand reporter board, in its discretion, to reinstate a license without examination when someone applies and pays the fee. The application must include a notarized letter stating, to the board's satisfaction, the applicant's related experience in shorthand reporting or similar work in the lapsed time. The applicant, upon board approval, must pay all back license and late fees.

### § 21 — RADIO AND TELEVISION

The act eliminates the \$40 temporary permit for television and radio service dealers, electronics technicians, radio electronics technicians and service dealers, antenna technicians, and telecommunication infrastructure layout technicians. Under prior law, a temporary permit was issued while the applicant sought licensure. Currently, no one has such a permit.

### § 22 — BOUNCED CHECK

By law, DCP may impose a \$20 fine on any permit or license applicant whose check is returned as uncollectable. The act also allows the DCP commissioner to require the applicant to pay DCP any fees a financial institution charges the department as a result of a returned check.

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### § 23 — ITINERANT VENDORS

The act clarifies that vendors pay \$200, not \$100, to the Itinerant Vendor Guaranty Fund, which conforms to vendors' licensing requirements (CGS § 21-28). Guaranty funds are used to offer repayment to consumers financially damaged as a result of problem transactions with itinerant vendors.

### § 24 — SOCIAL REFERRAL SERVICE CONTRACT

The law allows a consumer to cancel a social referral service (e.g., dating service) contract within three business days after the date the consumer received the contract. The act extends the cancellation period to three business days after the social referral service is made available to the consumer, if the period is longer.

The act also requires this extended cancellation period to be printed on the (1) contract, near the signature line, and (2) cancellation notice. By law, social referral services contracts must provide the cancellation policy in at least 10-point bold face type.

Social referral services provide dating, matrimonial, or personal referral services involving (1) an exchange of names, telephone numbers, addresses, and statistics; (2) a photograph or video selection process; (3) personal introductions provided by the seller at the seller's place of business; and (4) a social environment provided by such seller intended primarily as an alternative to singles' bars or club-type environments.

### §§ 27-35 — ADVERTISING AND SALE OF SUBDIVISIONS IN ANOTHER STATE

The law sets licensing, advertising, and documentation requirements for real estate brokers and salespersons and establishes certain consumer protections. The act makes technical changes in these statutes, by (1) eliminating application to timeshares, which are governed by another statute (CGS § 42-103cc); (2) specifying that certain real estate records be filed with the secretary of Housing and Urban Development or any successor federal agency (currently the Consumer Financial Protection Bureau); and (3) transferring certain administrative functions DCP already performs from the Real Estate Commission to the department.

The law prohibits anyone from referring to the Real Estate Commission or one of its members or employees in any advertisement, including making any representations that the commission had inspected or approved any property. Violators are subject to a \$1,000 to \$5,000 fine. The act prohibits any such advertisement from referencing DCP or its employees and subjects violators to the same fine.

### §§ 36 & 37 — DRUG CERTIFICATE OF REGISTRATION

By law, drug wholesalers must pay \$190 annually to obtain a (1) certificate of registration to distribute non-controlled substances, medical devices, and

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cosmetics or (2) license to distribute controlled substances. The act requires drug wholesalers to obtain a separate certificate or license and pay the annual \$190 fee for each location (1) inside the state and (2) outside of the state that distributes products in the state.

Existing law, unchanged by the act, requires a separate and additional fee for each business place or professional practice where the licensee uses, manufactures, stores, distributes, analyzes, or dispenses controlled drugs. The act imposes this additional fee on a business place or professional practice where the licensee uses, manufactures, stores, distributes, analyzes, or dispenses drugs, medical devices, or cosmetics. By law, wholesalers must annually pay \$190, laboratories must pay \$80, and manufacturers must pay between \$285 and \$940 depending on the number of pharmacists or qualified chemists they employ.

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